

Atty. Dkt. No. 034536-0220 *[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tod R. SMEAL et al.

Title: PHOSPHOSPECIFIC PAK ANTIBODIES AND DIAGNOSTIC KITS

Appl. No.: 10/716,936

Filing Date: 11/20/2003

Examiner: Unassigned

Art Unit: Unassigned

**TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed 08/10/2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

- [X] Return Copy of Notice to File Missing Parts (2 pages)
- [X] Executed Declaration and Power of Attorney (12 pages)
- [X] Supplemental Application Data Sheet (4 pages)
- [X] Preliminary Amendment (13 pages)
- [X] Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821-1.825 (1 page)
- [X] 1 diskette containing CRF of Sequence Listing
- [X] Paper Copy of Sequence Listing (2 pages)

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

-
- [X] Extension for response filed within the first month
 [] Extension for response filed within the second month
 [] Extension for response filed within the third month
 [] Extension for response filed within the fourth month
 [] Extension for response filed within the fifth month

The filing fee is calculated below:

Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee			\$790.00	\$790.00
Total Claims: <u>62</u>	- <u>20</u>	= <u>42</u>	x \$18.00	= <u>\$756.00</u>
Independents: <u>11</u>	- <u>3</u>	= <u>8</u>	x \$88.00	= <u>\$704.00</u>
If any Multiple Dependent Claim(s) present:			+ \$300.00	= <u>\$0.00</u>
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee			+ \$130.00	= <u>\$130.00</u>
[X] Extension fee for response filed within the first month:			+ \$110.00	= <u>\$ 110.00</u>
			SUBTOTAL:	= <u>\$2,490.00</u>
[] Small Entity Fees Apply (subtract 1/2 of above):				= <u>\$0.00</u>
			TOTAL FILING FEE:	= <u>\$2,490.00</u>
			TOTAL FEE	= <u>\$2,490.00</u>
			- \$0.00	- <u>\$2,490.00</u>

Difference to pay:

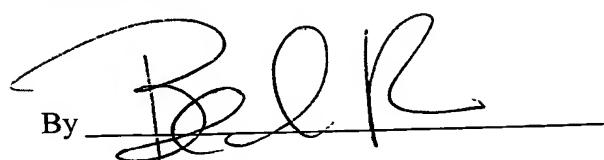
[X] Check in the amount of \$2,490.00 in payment of
surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741.

Respectfully submitted,

Date 3 November 2004

By 

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/716,936	11/20/2003	Tod R. Smeal	034536-0220

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007



CONFIRMATION NO. 6791
FORMALITIES LETTER

OC000000013490359

Date Mailed: 08/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/04/2004 KBETEMA1 00000080 10716936

01 FC:1001	790.00 OP
02 FC:1202	756.00 OP
03 FC:1201	704.00 OP
04 FC:1051	130.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1444 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2344 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$1444
 - \$688 for 8 independent claims over 3.
 - \$756 for 42 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE